

IN SENATE
OF
THE UNITED STATES,

JANUARY 23, 1818.

The Committee of Claims, to whom was referred the petition of Joseph Forrest,
REPORT:

That the petitioner's case, was at the last session, referred by the House of Representatives, to the Secretary of State, whose report has been made at the present session. To this report, the committee refer for a legal and equitable exposition of the nature of the claim. The facts of the case are, that the petitioner, in May, 1812, chartered his vessel to the United States, to carry to Laguira, a portion of a donation of flour, made by Congress, to the inhabitants of that country, who were then suffering under the calamities consequent on an earthquake of most distressing character. That on her arrival, she was prevented from unloading the whole of her cargo, until the town became occupied by the Spanish army. When it fell into their hands, they also took possession of the shipping in the harbor, among which was the vessel of the petitioner, though it appears his was the only vessel, carrying the donation of the United States, which had not been entirely unladed. The vessels were libelled and condemned as prize in the court of admiralty, at Porto Cavello, for having violated the ordinances of Spain, in entering a Spanish port, without the certificate of the Spanish consul, at the port whence the vessel sailed. Subsequently the vessel was restored, through the friendly interference of the then unacknowledged minister of his catholic majesty. On a view of the vessel, when restored, she was adjudged not to have deteriorated materially, and damages were laid against Spain for detention, amounting to 2,136 Spanish milled dollars. War then existing with England, the vessel was sold at auction, for the best price that could be had, to wit: 1025, out of which the costs and charges of condemnation, had first to be paid. The captain renders an account which exceeds the above sum 300 dollars, for which he has brought suit against the petitioner. The loss of the vessel was total; that it bears hard on the petitioner, from his circumstances in life, there is no doubt. But this does not justify the grant of relief on the part of Congress. All commercial adventures, proceed upon contingencies of profit and loss. Though this has been adverse, it was not undertaken, without reasonable prospects of advantage, and these continued in full expectancy, until after the vessel had arrived at Laguira. The petitioner admits, when the

royalists became masters of the place, he had a return cargo in prospect, that would have promised good profits. At last, the event of war, making the sale of his vessel expedient, only definitively settled the adventure as wholly disastrous. The petitioner participated in the privations of war, in common with his fellow citizens. It must be recollected, the petitioner sought this employment under the government, as matter of favor; it was peculiarly such. The vessel sailed at a time of embargo, just precedent to a state of war, which might have operated to the loss of her, if she had remained in port. Reasonable prospects of a successful voyage existed, and it appears the loss of the vessel was due to a contingency of very uncertain occurrence. The Committee believe, every allowance, by Congress, of a claim, ought to be had on some determined principle, that would admit of general application. The plea of hardship and compassion, can never be acted upon, but with the extremest hazard of abuse. This claim, though presented in its most favorable aspect, rests upon the extension of that benevolence that produced the act for the relief of the people of Venezuela. Whether this act was proper, though well intended, is matter of doubt. It failed in its object, and the committee do not think there is any safety in continuing to act on the principle that produced it. The eventual loss of the vessel, arose out of the war with Great Britain, and it is obviously improper to do any thing that would give color to claims of remuneration thence arising. The committee in investigating this claim, have even felt solicitude to discover features in it, that would admit of legislative interference. They have been, however, compelled to report the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.